



NEWINGTON TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING and REGULAR MEETING

Wednesday, April 9, 2014

Town Hall Conference Room L-101, Lower Level
131 Cedar Street, Newington, CT 06111

7:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS:

- a. Petition #47-13: Zoning Regulations Text Amendment (New Section 6.16: Medical Marijuana). Town Plan and Zoning Commission, applicant. Continued from March 26, 2014.
- b. Petition #07-14: Special Exception (Section 3.2.9: Child Care) at 795 North Mountain Road. Nguyen Holding LLC, owner/applicant; Hai Xavier Nguyen, 795 North Mountain Road, Newington CT, contact. Continued from March 26, 2014. Continued from March 26, 2014.
- c. Petition #10-14: Zone Change (Industrial to PD) at 16 Fenn Road. Fenn Road Associates LLC, owner; The Stop & Shop Supermarket LLC, applicant; Attorney Lawrence S. Shipman, 20 Batterson Park Road, Farmington CT, contact.
- d. Petition #12-14: Special Exception (Section 3.19.4: Fueling Station) at 16 Fenn Road. Fenn Road Associates LLC, owner; The Stop & Shop Supermarket LLC, applicant; Attorney Lawrence S. Shipman, 20 Batterson Park Road, Farmington CT, contact.
- e. Petition #13-14: Special Exception (Section 3.2.1: Church) at 37 Ann Street. 37 Ann Street LLC, owner; Cedar Mountain Church, applicant; Stephen Cianci, 199 Back Lane, Newington CT, contact.
- f. Petition #15-14: Special Exception (Section 6.13: Accessory Apartment) at 244 Walsh Avenue. Calvin and Marisa Cross, owner/applicants; Donna-Jean Dargie, 1331 Silas Deane Highway, Wethersfield CT, contact.
- g. Petition #16-14: Special Exception (Section 3.15.3: Temporary Outdoor Seating) at 3260 Berlin Turnpike ("Plaza Azteca"). Kleban Newington LLC, owner; Manuel Rubio, 3260 Berlin Turnpike, Newington CT, applicant/contact.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. March 26, 2014

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 APR -4 A 10: 07

BY *Tanya D Lane*
TOWN CLERK

VII. NEW BUSINESS:

- a. Petition #11-14: Site Plan Approval (Fueling Station) at 16 Fenn Road. Fenn Road Associates LLC, owner; The Stop & Shop Supermarket LLC, applicant; Attorney Lawrence S. Shipman, 20 Batterson Park Road, Farmington CT, contact.
- b. Petition #14-14: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl Lanes). Keystone Novelties Distributors LLC, applicant; CMB Inc, owner; Chris Cook, 201 Seymour Street, Lancaster PA, contact.
- c. Performance Bond Approval for "Harvest Ridge" (Shady Hill Lane). Bradford Allen, owner/applicant/contact.
- d. Petition #19-14: Site Plan Modification (Tent Sale) at 3440 Berlin Turnpike (P. C. Richard & Son). A. J. Richard and Son Inc, owner/applicant; Tom Stagis, 358 Jude Lane, Southington CT, contact.

VIII. OLD BUSINESS

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #17-14: Special Exception (Section 6.2.4: Free-standing Business Sign) at 2530 Berlin Turnpike ("Carefree Buildings"). American Sign Inc, applicant; Margus Properties LLC, owner; Tony LaFo, American Sign, 614 Ferry Street, New Haven CT, contact.
- b. Petition #20-14: Special Exception (Section 6.2.4: Free-standing Business Sign) at 16 Fenn Road. Fenn Road Associates LLC, owner; The Stop & Shop Supermarket LLC, applicant; Attorney Lawrence S. Shipman, 20 Batterson Park Road, Farmington CT, contact.
- c. Petition #21-14: Special Exception (Section 3.2.8: Charitable and Civic Event) on Market Square (Classic Car Show). Newington Chamber of Commerce, applicant; Bob Newbold, 50 Centerwood Road, Newington CT, contact.

X. TOWN PLANNER REPORTS:

- a. Town Planner Report for April 9, 2014

XI. COMMUNICATIONS

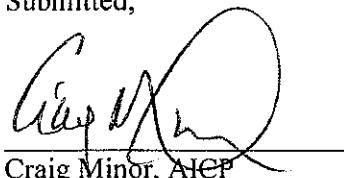
XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner

STAFF REPORT
Medical Marijuana Zoning Amendment

April 3, 2014

Petition #47-13

**Text Amendment for New Section 6.15 (Medical Marijuana Dispensing and Production)
Town Plan and Zoning Commission, applicant**

Description of Petition #47-13:

The Connecticut legislature recently adopted Public Act 12-55, which allows the production (growing and processing) and the dispensing of medical marijuana after obtaining the appropriate license from the Connecticut Department of Consumer Protection. Patients who are receiving treatment for a debilitating medical condition (cancer, glaucoma, HIV/AIDS, Parkinson's disease, multiple sclerosis, damage to the spinal cord, epilepsy, cachexia, wasting syndrome, Crohn's disease, and PTSD) will be able to register with the State and purchase medical marijuana from a licensed dispensary.

Newington's zoning regulations are silent on the production and dispensing of medical marijuana, so a zoning amendment has been proposed by TPZ to regulate medical marijuana production and dispensing in Newington.

Town Planner Comments:

1. I have added the following language, as requested, and sent it to the Town Attorney for his review:

6.16.5 Minimum Floor Area Requirements.

A. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

2. At the last meeting several Commissioners asked to see the State of CT regulations for medical marijuana. Those regulations are rather lengthy. I will email everyone a copy of the regulations today, and there will be some hardcopies available for those who want one at the meeting.

cc:
file

PROPOSED

Medical Marijuana Dispensary and Production Zoning Regulations

[deleted text is shown in **~~bold strikethrough~~**;
new text is shown in **bold underline**]

Section 6.16 Medical Marijuana Dispensary and Production

6.16.1 Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities and production facilities. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Newington's neighborhoods, commercial districts, property values and quality of life.

6.16.2 Definitions. For use in this section of the Regulations:

A. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under ~~Public Act 12-155~~ **CGS Sec. 21a-408 et seq. as they may be amended** and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies **as they may be amended**;

B. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under ~~Public Act 12-155~~ **CGS Sec. 21a-408 et seq. as amended** and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies **as they may be amended**.

6.16.3 Applicability:

A. Medical marijuana dispensary facilities and production facilities shall be **governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and** permitted only in the following zone, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

1. I Industrial Zone

6.16.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

A. No medical marijuana dispensary facility shall be allowed within 1,000 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;

B. No medical marijuana production facility shall be allowed within 100 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;

C. No medical marijuana dispensary facility shall be allowed on a site that is less than 1,000 feet from any property that is zoned for single-family residential use as a permitted use;

D. No medical marijuana production facility shall be allowed on a site that is less than 100 feet from any property that is zoned for single-family residential use as a permitted use;

E. No medical marijuana dispensary facility or production facility shall be allowed within 1,000 feet of any other site containing a medical marijuana production facility;

F. No medical marijuana dispensary facility or production facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary facility or production facility;

G. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.16.5 Minimum Floor Area Requirements.

A. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

6.16.6 Sign and exterior display requirements:

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18" **containing the legal name of the entity and the street address of the facility.** ~~No graphics of any kind will be allowed, and the text will be limited to the street address of the facility.~~ Section 6.2.3b shall not apply.

6.16.7 Off-Street Parking requirements:

A. Required off-street parking shall be in compliance with Section 6.1 of these regulations.

6.16.8 Security Requirements:

A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations;

B. The hours of operation for medical marijuana dispensary facilities ~~and production facilities~~ shall be limited to between 7:00 a.m. and ~~5:00~~ 7:00 p.m., all days of the week;

C. There shall be no limitation on the hours of operation for medical marijuana production facilities, all days of the week.

6.16.9 Conditional Approval:

A. Special Exceptions shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility **permit license** issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);

B. The conditional approval shall become finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued **permit license**;

C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued **permit license** within six months of the date of the TPZ's conditional approval;

1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection **permit license** has been filed, indicating the expected decision date of the Department of Consumer Protection **permit license**.

D. No entity shall operate without a valid, current license.

6.16.10 Connecticut Department of Consumer Protection Approval:

A. The applicant shall provide the Town ~~Plan and Zoning Commission~~ **Planner** with a copy of the appropriate Dispensary or Production Facility **permit license** issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed **permit license**.

STAFF REPORT
Day Care Facility at 795 North Mountain Road

April 3, 2014

Petition #07-14:

Special Exception (Section 3.2.9: Child Care Center)

795 North Mountain Road

Nguyen Holding LLC, owner/applicant; Hai Xavier Nguyen, contact

Description of Petition #07-14:

The owner/applicant would like to rent a portion of this commercial building to a day care operator. Section 3.2.9 allows child care in any zone, by Special Exception.

Staff Comments:

At the last meeting the applicant submitted a revised site plan showing an enclosed play area as requested, and three rows of parking spaces. Commissioner Sobieski suggested bollards to protect the play area, which could be a condition of approval.

The aisles between the rows of parking are only 18' wide instead of the standard 24', but since this is an existing parking lot I don't recommend we try to fix that now. The plan also does not show any area for snow storage during the winter.

My parking analysis is as follows:

Parking:

The regulations do not specify a minimum amount of parking for a day care operation. Other towns commonly require one space per employee on the largest shift, plus one parent parking space for every 5 - 15 children (it varies between different towns). Ms. Martinez said there would be a maximum of 40 children and four employees. Based on one space per employee and one space per 10 children (the midpoint of the range stated above), they would need 8 spaces.

According to the revised plan the site has 44 parking spaces. If we allocate 8 spaces for the day care there would be 36 spaces for the other occupants of the building. The financial services business upstairs needs 18 spaces, which leaves 18 spaces for the unoccupied first floor. The applicant has said that 900 sf of the unoccupied first floor is a "break room" which would not be rented to any specific tenant, so the unoccupied first floor is only about 2000 sf. 18 spaces would be enough for an office or an industrial tenant.

cc:
Hai Xavier Nguyen
file

STAFF REPORT
Cedar Mountain Church

April 3, 2014

Petition #13-14

Special Exception (Section 3.2.1: Church)

37 Ann Street

Stephen Cianci, 199 Back Lane, Newington CT, contact.

Description of Petition #09-14

This petition is a request to use 8000 sf of the existing 30,681 sf commercial building at 37 Ann Street as a church. This use is allowed by Special Exception in any zone.

Staff Comments

As of this writing I have not received any new information from the applicant. The below comments are from my previous memo.

According to the site plan on file, this building is divided into three spaces: 5,940 sf of "storage space", 12,600 sf of "warehouse space", and 7,900 sf of "retail space". The applicants would like to occupy the former "retail space".

The site plan that was approved by TPZ on April 11, 2007 shows only 43 actual parking spaces and 20 "deferred" spaces. Apparently the owner in 2007 was able to demonstrate that the then-proposed furniture business would not need the standard 7 space per 1,000 sf of floor area, so TPZ agreed to let them defer the construction of 20 spaces. This is reminiscent of the TPZ's action with "Basset Furniture" on the Berlin Turnpike in 2012.

The owner of the building has informed me that there are a maximum of four employees at any one time in the warehousing/distribution portion of the building. "Warehouse" requires either one space per 1,000 sf or one space per employee on the largest shift. That would be either 68 spaces, or 4 spaces (a pretty big swing) - TPZ's choice.

"Churches" are required to provide one parking space per two seats. The applicants have not stated how many congregants they have. If we allocate 4 spaces for the warehouse/storage area, that leaves the church with 39 spaces, which would allow them to have up to 78 seats in the assembly area. This would be subject to the Fire Marshal's approval.

If the church needs more seats in the future, or if the use of the warehouse/storage area intensifies, the owner would have to implement the deferred parking spaces.

cc:
Stephen Cianci
file

STAFF REPORT
Accessory Apartment

April 3, 2014

Petition #15-14

Special Exception (Section 6.13: Accessory Apartment)

244 Walsh Avenue

Calvin and Marisa Cross, owners; Donna-Jean Dargie, contact.

Description of Petition #15-14

This petition is for an existing, un-approved accessory apartment. According to the owners the apartment was there when they purchased the house in 2005. Only recently did they learn that the apartment had not been approved by TPZ. They are now looking to sell the house, so the lack of TPZ approval is an issue.

Staff Comments

I have not received any new information from the applicants. The comments below are from my previous report to TPZ.

This is a two-story house, with the accessory apartment occupying the entire second story. According to the tax assessor's file the main house is 26' x 39' (1014 sf), with a 12' x 12' enclosed porch and a 13' x 16' add-on bedroom. The total habitable floor area comes to 2,380 sf.

The sketch submitted by the applicant shows primary access to the apartment from a downstairs mud room with an exterior door to the outside and an interior door to the rest of the house. However, at 1014 sf, the apartment is 42.6% of the total floor area. The maximum allowable is 30%.

cc:
Donna-Jean Dargie
file

**STAFF REPORT
"Cinco de Mayo"**

April 3, 2014

Petition #16-14

3260 Berlin Turnpike

Special Exception (Section 3.15.3: Outside Restaurant Seating)

Manuel Rubio, applicant/contact.

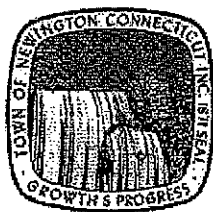
Description of Petition #16-14:

The owner of the Plaza Azteca restaurant would like to conduct another "Cinco de Mayo" outdoors event, the same as last year and the year before.

Staff Comments:

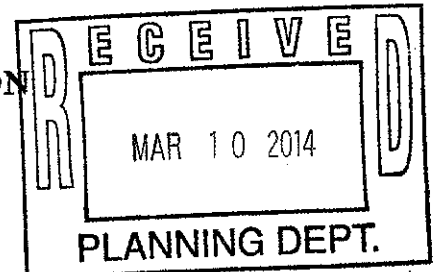
I will ask the Police Chief if there were any problems last year.

cc:
file



Petition # 14-14

TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM




LOCATION OF PROPERTY: 56 Costello Road ZONE: PD
APPLICANT: Keystone Novelties Distributors, LLC TELEPHONE: 717-394-1078
ADDRESS: 201 Seymour Street Lancaster, PA 17603 EMAIL: ccook@keystonenovelties.com
CONTACT PERSON: Chris Cook TELEPHONE: 717-394-1078
ADDRESS: 201 Seymour Street Lancaster PA 17603 EMAIL: ccook@keystonenovelties.com
OWNER OF RECORD: CMB, Inc

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- ☐ Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- ☐ Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- ☐ Subdivision
- ☐ Resubdivision (Public Hearing required).
- ☐ Special Exception per Section _____ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- ☐ Site Plan Approval or Modification
- ☒ Other (describe in detail, or attach): Outside display of products Intended for sale (Fireworks) per section 3.23.1 from 6/25/14 to 7/5/14

SIGNATURE:

	<u>3/3/2014</u>	<u>SEE ATTACHED L.O.P.</u>	
APPLICANT	DATE	OWNER	DATE

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:

PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



Keystone Fireworks

201 Seymour Street, Lancaster, PA 17603

800 390-0844 Fax (717) 290-7774

www.keystonefireworks.com

THIS AGREEMENT IS MADE BETWEEN **CMB Inc. d/b/a T-Bowl** as Lessor with Keystone Novelties Distributors, LLC as Lessee, for the purpose of allowing the retail sale of approved fireworks from the following premises: (hereafter the "Location").

Address 56 Costello Road

Cross Streets Berlin Turnpike

Address _____

Location Name Newington

City/State/ Zip Newington, CT 06111

Municipality Newington

1) Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a Retail Fireworks Tent or outlet on the premises during the term of this agreement. The term of this agreement shall include setting the tent no sooner than June 20 and removal no later than July 10. The actual dates for the sale will not exceed:

June 26 through July 6, 2014

2) Following the term, this lease will automatically be renewed under the same terms and conditions as set forth above and below, for each season through 2016.

3) Following the term, the Lessor hereby grants the Lessee First Rights of Refusal to match any bona fide offer to lease the location for fireworks sales during the forthcoming renewal year.

4) Lessor will have the right to void this lease if the above described property is sold or developed for any purpose other than the sale of fireworks by providing 90 days written notice.

5) Lessor shall provide access to electricity for the tent if it is available on the property.

In return, Lessee agrees to the following terms and conditions:

1) Keystone Novelties Distributors, LLC shall pay to Lessor rent in the amount of [REDACTED] check on or before June 20 of each year. A W9 must be on file unless check is written out to a business name.

2) Lessee shall provide liability insurance coverage and post with Lessor, prior to occupancy, a certificate of insurance evidencing liability insurance in force covering the operation on the retail outlet. Lessor shall be held harmless from any claims arising from the maintenance or operation of the outlet. Insurance coverage will be in an amount not less than \$1,000,000.00.

3) Lessee guarantees that the premises will be returned to its original condition including the patching of any stake holes and removal of trash and supplies.

4) This Lease Agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required by law. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this lease agreement automatically becomes null and void. If the local municipality having proper jurisdiction over this outlet limits the sale of fireworks or implements policies inconsistent with state statutes, then this Lease Agreement is subject to revision.

5) Lessee shall have the right to void this agreement up to 90 days prior the commencement of the selling period each year.

LESSOR INFORMATION (Please Print)

ADDITIONAL INSURED INFORMATION

Name CMB Inc.

Name _____

Address 56 Costello Road

Address _____

City/State/Zip Newington, CT 06111

City/State/Zip _____

Phone 860-666-6150 Fax _____

Email _____

Kendall Bress 10/23/13
Lessor Date

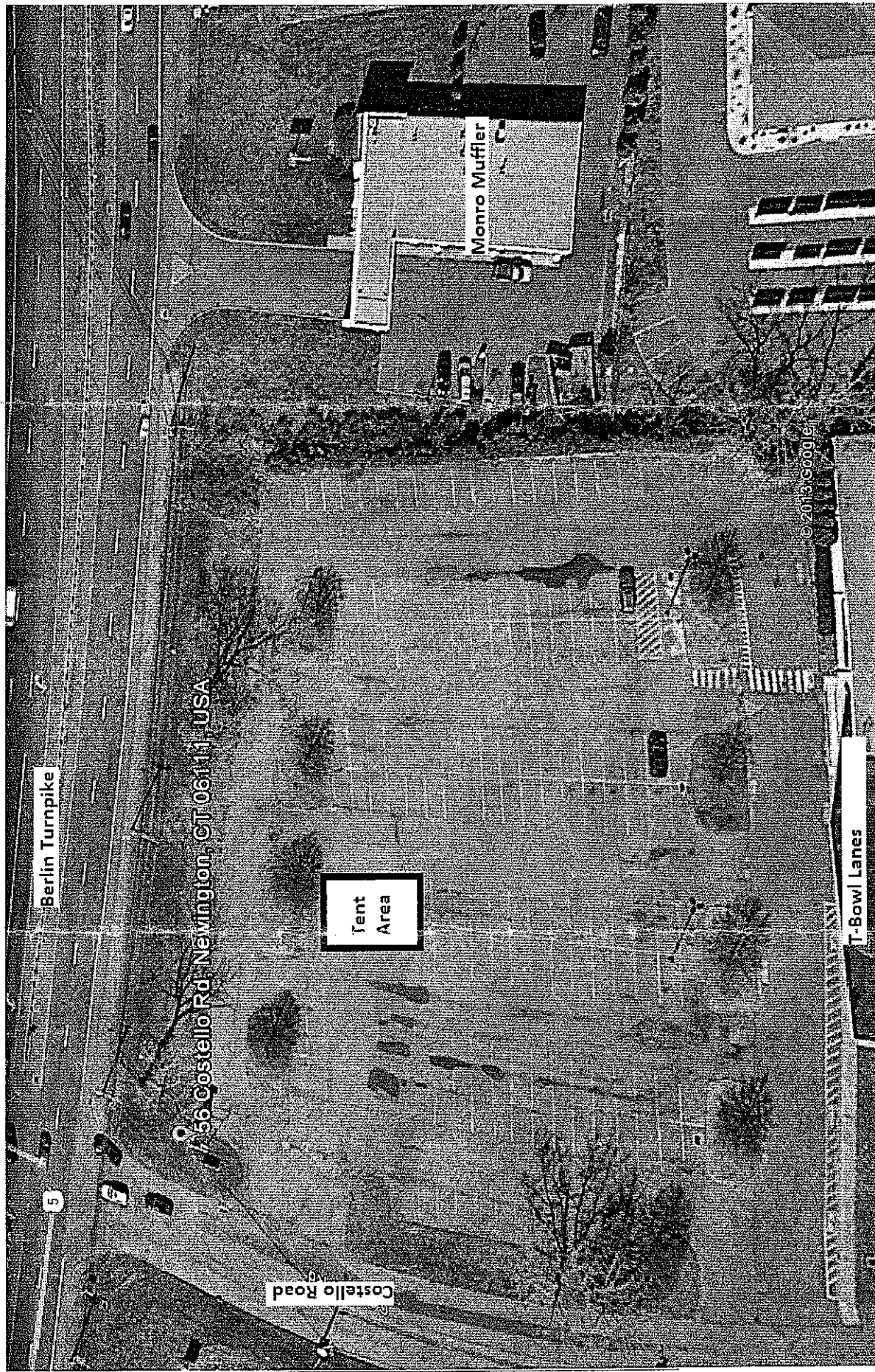
[Signature]
Keystone Novelties Distributors, LLC Date

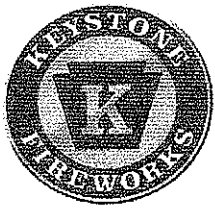
☐ \$125 LL Cert ☐ \$75 LL Cert ☐ \$50 LL Cert ☐ \$150 + \$100 each year Cert ☐ None

Location Name: Newington

Address: 56 Costello Road Newington, CT 06111

Notes:





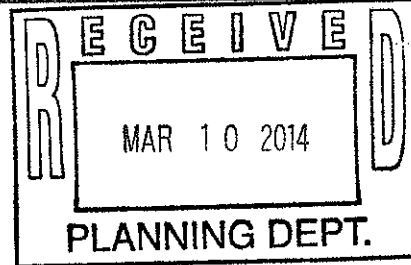
Keystone Novelties, LLC

Keystone Fireworks

www.keystonefireworks.com
201 Seymour Street, Lancaster, PA 17603
(800) 390-0844 Fax (717) 290-7774

March 4, 2014

Town of Newington
131 Cedar Street
Newington, CT 06111
Attn: Craig Minor



Craig,

We are in the process of planning for our Fourth of July tent sale for 2014. This year we will be at 56 Costello Road (T-Bowl Lanes). I have included in this package everything that I believe is necessary for the purpose of applying for the Town Plan and Zoning Commission Hearing. In this envelope I have included the following:

- A completed Town Plan and Zoning Commission Application Form
- A copy of the letter of permission
- A site plan showing the location of the tent
- A copy of our insurance certificate
- A check for \$175 to pay for the application

The set-up will be for the period from June 25 through July 5. The tent will be put up a few days in advance and removed as soon as possible after July 5. Of course, we have "No Smoking" signs placed at the entrance and will have a fire extinguisher. If I have not included any fees, please contact me and I will send a check to cover the costs.

I hope that this information is helpful to you and I thank you again for your consideration. Should you have any questions or if anything has change, please call anytime at 717-394-1078. Thank you.

Cordially,

Chris Cook
Field operations Manager

STAFF REPORT
"Keystone Fireworks" Tent Sale

April 3, 2014

Petition #14-14:

**TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale
56 Costello Road (T-Bowl)
Keystone Novelties Distributors LLC, applicant**

Description of Petition #14-14:

Keystone Novelties is requesting TPZ permission to sell fireworks from the T-Bowl parking lot on the corner of Costello Road and the Berlin Turnpike, from June 25, 2014 through July 5, 2014. Section 3.23.1 states that

"Products and equipment intended for sale may be displayed in front of the principal building, but not in the required frontyard setback area, when approved by the Commission."

Staff Comments: _____

This applicant was approved for this use at this same location last year under Permit #32-13.

The Fire Marshal has approved the tent location.

cc:
Chris Cook, Keystone Novelties
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: April 3, 2014
Re: **Restrictive Covenant in lieu of Performance Bond for Shady Hill Lane
("Harvest Ridge")**

The owner/developer of the "Harvest Ridge" subdivision (which is actually the completion of Shady Hill Lane) is ready to being construction, so he needs to post a performance bond. The Engineering Department has analyzed the project and computed the value of the project at \$347,131.74.

The cost of obtaining a performance bond in this amount is much more than the developer was expecting. He asked me if there was some other way to protect the Town's interest in this project which would not be so expensive.

I suggested he ask TPZ for permission to file what is called a "restrictive covenant" on the land records instead of posting a bond at this time. This is a legal agreement between him and the Town, whereby he agrees to not sell any lots until the blasting, the road, and other improvements are complete (to TPZ's satisfaction), or he posts a performance bond to cover whatever outstanding items there may be. This is an alternative way of bonding new subdivisions that is commonly used in other towns. I was involved with two such subdivisions in Cromwell.

If this concept is acceptable to TPZ, I will meet with the Town Attorney to finalize the document and present it to TPZ for final approval.

cc:
Bradford Allen
Town Engineer
file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

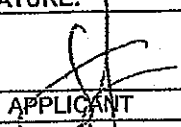
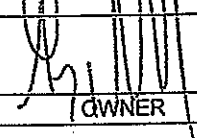
LOCATION OF PROPERTY: 3440 Berlin Tpk ZONE: _____
APPLICANT: P.C. Richard + Son TELEPHONE: 631-843-4300
ADDRESS: 150, Rice Landing, Farmington CT 06031 EMAIL: _____
CONTACT PERSON: Tom Stages TELEPHONE: 860-796-4620
ADDRESS: 358 Jude Lane, Southington CT 06488 EMAIL: Tom.Stages@pcreichard.com
OWNER OF RECORD: P.C. Richard + Son

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- ☐ Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- ☐ Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- ☐ Subdivision
- ☐ Resubdivision (Public Hearing required).
- ☐ Special Exception per Section _____ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- ☐ Site Plan Approval or Modification

☒ Other (describe in detail, or attach): Temporary Camp for Tent Site (60' x 30')
June 3rd - June 17th, 2014; June 2 - June 16, 2015; May 31st - June 1, 2016

SIGNATURE:

 APPLICANT	<u>3/24/14</u> DATE	 OWNER	<u>3/25/14</u> DATE
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
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Town Planning and Zoning Commission

March 27, 2014

Newington, CT 06111

P.C. Richard & Son is planning on holding a "Tent Sale" on our property at 3440 Berlin Turnpike, Newington, CT 06111 on the following dates:

Tuesday June 3, 2014 thru Tuesday June 17, 2014

Tuesday June 2, 2015 thru Tuesday June 16, 2015

Tuesday May 31, 2016 thru Tuesday June 14, 2016

The planned hours of operation are:	Sunday	10am-7pm
	Monday-Friday	9am-9:30pm
	Saturday	9am-9:00pm

The tent will be installed by General Rental Center, 3800 Whitney Avenue, Hamden CT 06518; ph- 203-288-8271. Specifications, fire and insurance information for the tent are attached to this letter.

We will run power (from a gfci outlet) and low voltage to the tent to run 3-4 computer terminals, phones and temporary lighting. We also plan to place temporary banners on the canopy and on our property as follows:

large tent sale banner will be placed on the canopy facing Boston Post road. Tent Sale signs will be placed at each end of the tent. A "Giant Tent Sale sign will be placed on a trailer in the parking lot facing the Turnpike. We would also like to utilize several ground signs that we would run along the borders of our property.

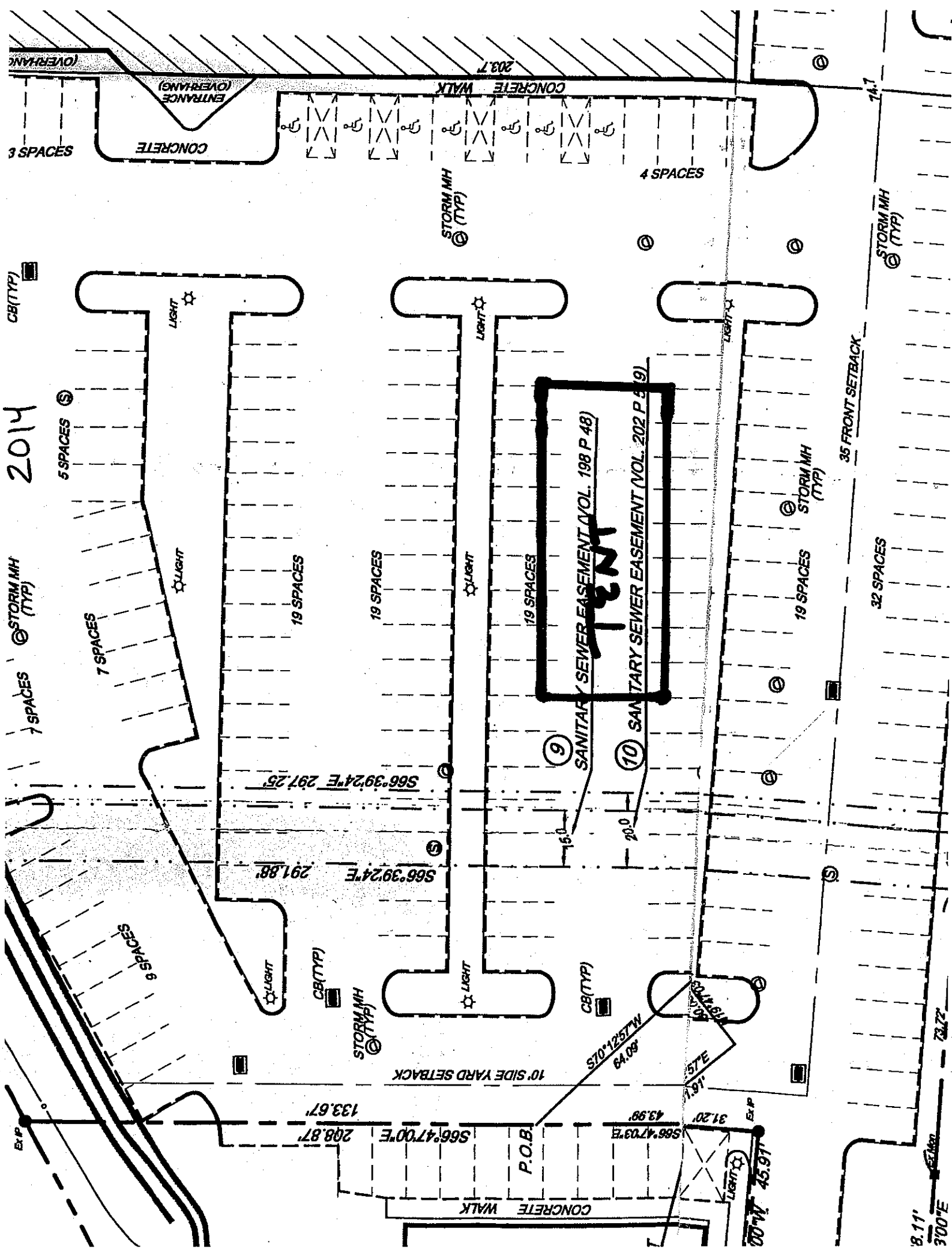
The proposed plan and permit applications are attached. Should you have any questions, please contact me at 860-796-4620. Thank you for your consideration.

Sincerely,

Tom Stagis

District Manager

P.C. Richard & Son



STAFF REPORT
"PC Richard & Son Tent Sale"

April 4, 2014

Petition #19-14:

**TPZ Approval (Section 3.23.1: Accessory Outside Use) for Tent Sale
3440 Berlin Turnpike ("PC Richard & Son")
PC Richard & Son, owner/applicant**

Description of Petition #21-13:

PC Richard & Son would like to conduct another "tent sale" in the parking lot of their store at 3440 Berlin Turnpike from June 3 through June 17. They are also asking that this approval be good for 2015 and 2016 as well.

Section 3.23.1 of the zoning regulations states that

"Products and equipment intended for sale may be displayed in front of the principal building, but not in the required frontyard setback area, when approved by the Commission."

Staff Comments:

This year they are showing the tent in a slightly different location from last year: it will be between two rows of parking spaces, rather than in a single row. The same number of parking spaces are involved. I have sent the plan to the Fire Marshal for his review.

I have no objection to approving this application, depending on the Fire Marshal's comments.

cc:
Tom Stagis
file



UR# 4801

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

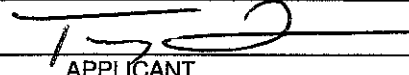

RECEIVED	Petition # <u>17-14</u>
	MAR 25 2014
	PLANNING DEPT.

LOCATION OF PROPERTY: 2530 Berlin Tpk ZONE: BT
APPLICANT: Tony Lafo / American Sign Inc TELEPHONE: 203-624-2991
ADDRESS: 614 Ferry St, New Haven CT EMAIL: Tony@AmericanSignInc.com
CONTACT PERSON: Tony Lafo TELEPHONE: 203-624-2991
ADDRESS: SAME AS ABOVE EMAIL: SAME AS ABOVE
OWNER OF RECORD: MARGUS PROPERTIES LLC

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- ☐ Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- ☐ Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- ☐ Subdivision
- ☐ Resubdivision (Public Hearing required).
- ☒ Special Exception per Section 6.2.4 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- ☐ Site Plan Approval or Modification
- ☐ Other (describe in detail, or attach): _____

SIGNATURE:

	<u>3/25/14</u>		<u>3/27/2014</u>
APPLICANT	DATE	OWNER	DATE

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3/24/2014

To: Town of Newington CT
Planning + Zoning Commission

From: Tony Lafo

RE: TPZ Application for 2530 Berlin Tpke

We are proposing to completely remove an existing, non-conforming Pole sign from Carefree Buildings at 2530 Berlin Tpke and replace it with a conforming sign in the exact same location.

The existing building is 58' wide and faces 2 streets which allows us 174 square feet of total signage on the property. There are currently NO other signs on the building or property besides the existing pylon.

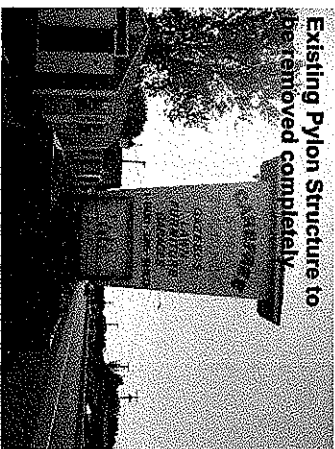
The new proposed pylon is 60.8 square feet (6'1" x 10') x 2 sides for a total of 121.6 square feet and would be 18' high as per your regulations. The sign would be internally illuminated.

The property owner / Business Owner hopes you will approve their new sign as it will certainly be a visual improvement over the existing sign and brings the sign into conformance with your current regulations.

Thank You

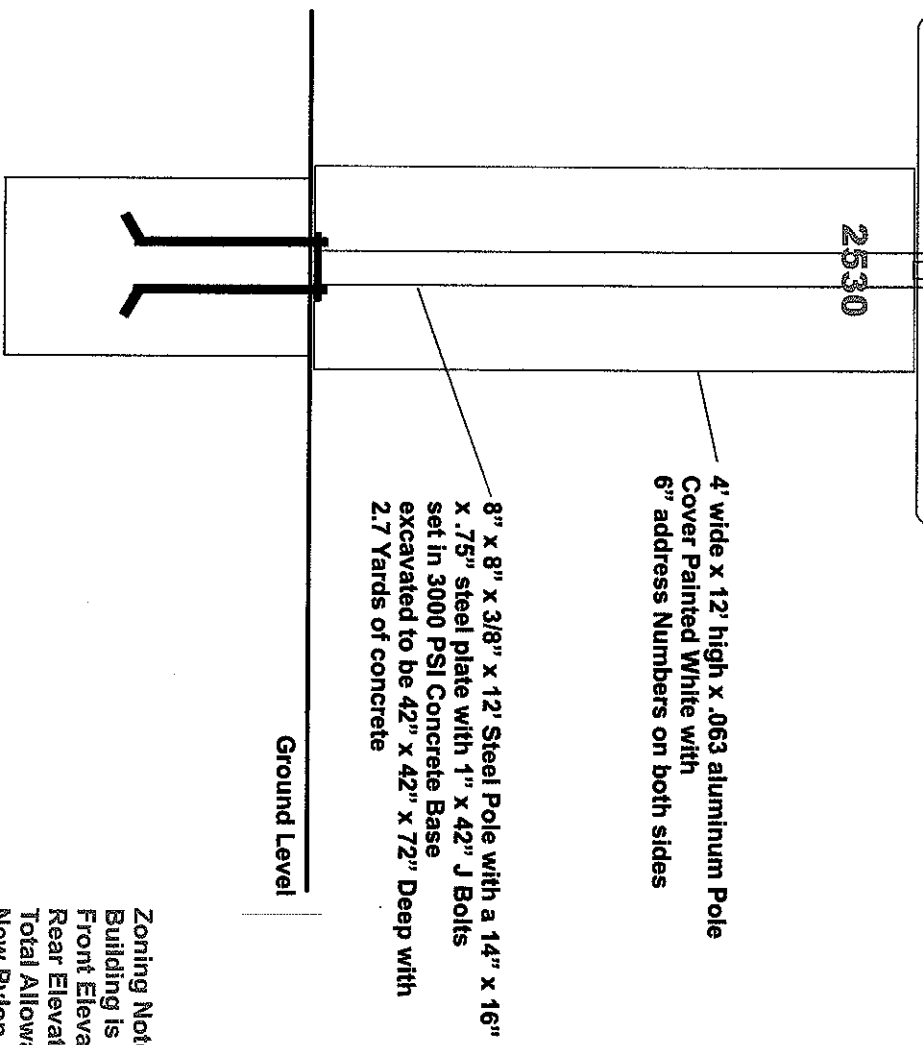
CAREFREE
Since 1979
SMALL BUILDINGS
"Built to last a lifetime"
WWW.CAREFREEBUILDINGS.COM

4" x 4" x 1/4" steel pipe thru sign cabinet- welded to 8" x 8" Pipe
6'1" x 10' x 18" deep, double sided, SignComp Extruded aluminum, illuminated sign cabinet with hinged 2.25" retainers with 3/16" Lexan faces with vinyl graphics as shown.



Existing Pylon Structure to be removed completely

CAREFREE
Since 1979
SMALL BUILDINGS
"Built to last a lifetime"
WWW.CAREFREEBUILDINGS.COM



Zoning Note-
Building is 58' Long
Front Elevation 58' x 2 = 116 Sq/Ft Allowed
Rear Elevation 58' x 1 = 58 Sq/Ft Allowed
Total Allowable Signage on site = 174 Sq/Ft.
New Pylon as Shown is 60.8 sq/ft x 2 sides = 121.6 Sq/Ft.
52.4 square feet left over for future use

American Sign, Inc.
www.americansigninc.com
614 Ferry St., New Haven CT 06513 203-624-2991 tony@americansigninc.com

american sign inc.

Project:

Carefree Buildings
2530 Berlin Tpke
Newington CT

3/24/2014

Date:

Tony Lafo

Drawn By:

Salesman:

Customer Approval/Signature:

SCALE: NTS



E-92359



SIGNAGE DRAWING

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STAFF REPORT
Free-Standing Sign for Carefree Building

April 4, 2014

Petition #17-14:

Special Exception (Section 6.2.4: Free-standing Business Sign)
2530 Berlin Turnpike ("Carefree Buildings")
American Sign Inc, applicant; Tony LaFo, contact

Description of Petition #08-14:

The applicant would like to replace the existing free-standing sign with a new one, on the same foundation. Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

I recommend the public hearing be scheduled for April 23, 2014.

cc:
American Sign Inc.
file

860 665 8507



XX

Petition # 21-14

XX

XX

LOCATION OF PROPERTY: MARKET SQUARE ZONE: B-TCAPPLICANT: NEWINGTON CHAMBER OF COMMERCE TELEPHONE: 860-666-2089ADDRESS: 1046 MAIN STREET EMAIL: _____CONTACT PERSON: BOB NEWBOLD TELEPHONE: 860-874-1479 - cellADDRESS: 30 CENTERWOOD RD EMAIL: bobnewbold@fahyinsurance.com

OWNER OF RECORD: _____

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- ☐ Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- ☐ Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- ☐ Subdivision
- ☐ Resubdivision (Public Hearing required).
- ☐ Special Exception per Section 3.2.8 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required). CAR SHOW 6/12, 6/19, OR 6/26
- ☐ Site Plan Approval or Modification
- ☐ Other (describe in detail, or attach): _____

SIGNATURE:

<u>Robert Newbold</u>	<u>4/1/2014</u>	_____ OWNER	_____ DATE
APPLICANT	DATE		

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STAFF REPORT
"Cruise Night"

April 3, 2014

Petition #21-14:

Special Exception (Section 3.2.8: Charitable or Civic Event)

Market Square

Newington Chamber of Commerce, applicant; Bob Newbold, contact.

Description of Petition #21-14

This is petition is to conduct this annual event on Market Square. The last time a permit was approved by TPZ it was for three years, which is why you haven't seen them lately.

Staff Comments

I have asked the applicant to submit a narrative description of the event.

I recommend the public hearing be scheduled for April 23, 2014.

cc:
Bob Newbold
file



John Salomone
Town Manager


TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner 
Date: April 4, 2014
Re: Town Planner Report of April 9, 2014

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
2. **Old Performance Bonds held by Town:** No report, due to the winter season.
3. **Newington Junction TOD Planning:** We are trying to find a date for the consultants to make their final presentation to the Newington Junction TOD Planning Committee. It needs to be during the evening on a date that does not conflict with any standing meeting of the TPZ, EDC, and Town Council since the plan is to invite the members of those boards to the presentation. We're trying to find a date in mid-April.
4. **Revision to Sign Regulations:** This is still evolving. The current version being considered by the Sign Committee is to eliminate temporary signage from the Berlin Turnpike, and to liberalize it in the Town Center zone. I'm still working on the draft of that version.
5. **Status of "Modern Tire" Appeal:** Nothing new since my last report.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov